

## *REMARKS*

### *The Present Invention*

The present invention is directed to a mutant human FGFR-4 protein.

### *The Pending Claims*

Claim 66 is pending, and is directed to a mutant human FGFR-4 protein.

### *The Amendments to the Claims*

Withdrawn claims 33-46 and 55-65 have been cancelled, as have claims 47-54. Applicants reserve the right to pursue any canceled subject matter in a continuation, continuation-in-part, divisional, or other application. Cancellation of any subject matter should not be construed as abandonment of that subject matter. Claim 66 has been rewritten in independent form incorporating all of the limitations of claims 47, 49, and 50, as suggested by the Office Action. Accordingly, no new matter has been added by way of these amendments.

### *The Office Action*

The Office Action maintains the rejection of claims 47-54 under 35 U.S.C. § 112, first paragraph, as allegedly lacking enablement and written description. Claim 66 is objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Discussion of Rejections and Objection*

The Office Action has rejected claims 47-54 under Section 112, first paragraph, as allegedly lacking enablement and written description. In order to advance prosecution of the subject application, and not in acquiescence of the rejection, claims 47-54 have been cancelled. Thus, the Section 112, first paragraph, rejections have been rendered moot.

Moreover, as suggested by the Office Action, claim 66 has been rewritten in independent form including all of the limitations of the base claim (i.e., claim 47) and any intervening claims (i.e., claims 49 and 50).

### *Conclusion*

In view of the above remarks, the application is considered to be in good and proper form for allowance, and the Office is respectfully requested to pass this application to issuance.



In re Appln. of Ullrich et al.  
Application No. 09/600,826

If, in the opinion of the Office, a telephone conference would expedite the prosecution of the instant application, the Office is respectfully requested to contact the undersigned agent.

Respectfully submitted,

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